

### REMARKS/ARGUMENTS

In the Office Action presently outstanding, claims 1-7 are pending. Claims 1-7 have been rejected. Claims 1-7 have been cancelled. New claims 8-15 have been added, support for which can be found in the as-filed claims and in the as-filed specification (*inter alia*, page 3, lines 7-22). Upon entry of this amendment, claims 8-15 will be pending.

No new matter has been added via the foregoing amendments.

Claims 1-7 have been objected to because of certain informalities. Claim 1 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Dorman (U.S. Patent No. 2,797,463). Claims 2-4 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Dorman in view of Bentsen (U.S. Patent No. 4,673,383). Claims 5-6 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Dorman in view of Bentsen and further in view of Custer (U.S. Patent No. 5,216,787). Claim 7 has been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Dorman in view of Kapperman (U.S. Patent No. 6,004,032).

Applicant respectfully asserts that the newly added claims overcome the informalities objections and that Dorman does not deprive any of the claims of the present application, as amended, of novelty nor does it render any claim obvious either, with or without the other cited references.

The instant claims, as amended, recite reclosable fasteners for plastics bags and other containers, comprising a first element comprising a first elongate body portion, at least one first upstanding profiled member, and *first high compression members*, wherein the first high compression members comprise a first upstanding post at one end of the first body portion and a first heel at the other end of the first body portion; a second element comprising

a second elongate body portion, at least one second upstanding profiled member, and *second high compression members*, wherein the second high compression members comprise a second upstanding post at one end of the second body portion and a second heel at the other end of the second body portion; wherein the first and second profiled members are engagable when the first and second elements are pressed together with the first and second profiled members facing each other; and wherein both the first post and the second heel, and the second post and the first heel are aligned and are arranged to contact each other at complementarily angled contact surfaces to provide resistance to compression forces exerted in the direction of closure of the fastener.

In order to sustain a rejection that claims are anticipated, “a reference must teach every aspect of the claimed invention either explicitly or impliedly.” M.P.E.P. § 706.02. Applicant asserts that Dorman and the other cited art fail to teach or suggest all of the elements of newly added claim 8, and the claims depending therefrom.

Dorman discusses an “Extruder Fastener,” e.g., a slider-type fastener, for use in garments and wearing apparel. An object discussed by Dorman is to prevent accidental disengagement of the fastener by pulling forces which are extended *laterally* on the strips. (Col. 1, lines 62-70). Further, Dorman purports to create a structure in which there is no lifting of the edges of the fastener. (Col. 1, lines 41-53). One skilled in the art, reading Dorman, would understand that it is lateral pulling forces which are their concern, to prevent the strips from becoming disengaged. (Col. 3, lines 50-66). Dorman, however, fails to teach or suggest *high compression members*, which provide resistance to compression forces in the direction of closure of the fastener.

In contrast to Dorman, the reclosable fasteners of the present invention comprise *high compression members* which protect the upstanding profiled members from being squashed or distorted when heat and/or pressure is applied to the fastener. The pressure forces which are exerted on the fastener when it is welded to an encompassing web or film are exerted in the direction of closure of the fastener, e.g., along the line of the posts and heels. The posts and heels therefore act as members which provide resistance to these compression forces. As such, Dorman does not teach or suggest elements capable of providing resistance to compression forces, e.g., *high compression members*.

Still with reference to Dorman, the Office Action refers to elements 14 and 30 as being "upstanding posts" and the elements 15 and 31 as being "heels." Applicant asserts that the "lip-like portions 14 and 30" (Col. 3, lines 9-10) are not "posts", but simply lips. One skilled in the art would understand that elements 14 and 30 do not act as high compression members which resist forces exerted in the direction of closure of the fastener. Their purpose is to seal, protect, and confine the closure so that there is no lifting of the edge. Dorman discusses that elements 15 and 31 are relatively shallow grooves or channels (Col. 2, lines 51 and 58-59). Elements 15 and 31 are not at the end of the fastener, which is the location of the heels as recited by claims 8-15, because there are web and marginal portions (elements 7, 8, 16, 17) extending laterally from the zones where elements 15 and 31 are located. Accordingly, Dorman fails to teach or suggest all of the claim limitations.

Bentsen also fails to teach or suggest all of the claim limitations. Bentsen discusses "fusible rib bonding of fasteners to substrate" and depicts pairs of double hooks. The fusible ribs on the base surface of the fasteners strips are to provide a bonding layer for bonding the

strip to the substrate. (Col. 3, lines 1-12). Bentsen does not teach or suggest elements capable of providing resistance to compression forces, e.g., *high compression members*.

Additionally, Custer fails to teach or suggest all of the claim limitations. Custer discusses "co-extruded profile strip containing lateral webs with adhesive subdivided into ribs" and identifies that a substrate may be made from ethylene vinyl acetate (EVA). Custer, however, fails to teach or suggest *high compression members* as recited by the claims of the present invention.

Further, Kapperman fails to teach or suggest all of the claim limitations. Kapperman discusses "tamper-evident closure arrangements and methods." The Office Action alleges that Kapperman discloses "a single flange extends upwardly from the female member 154 and is inherently capable of being used for attachment of the closure to a web or film." Applicant disagrees. One skilled in the art, reading Kapperman, would not understand the short extension of element 154 to provide a way to attach the fastener to the package wall 158. It would be understood that the package wall 158 is fastened right across the base 174. Furthermore, Kapperman fails to teach or suggest *high compression members*, as recited by the claims of the present invention.

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In light of the foregoing, Applicant asserts that Dorman and the rest of the cited art fail to teach or suggest all of the elements of claims 8-15. None of the cited art discusses *high compression members*. As such, this application is in condition for allowance. Applicant invites the examiner to contact the undersigned at (215) 557-5965 to clarify any unresolved issues raised by this response.

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